

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
UNITED STATES OF AMERICA	)	
	)	
V.	)	CRIM. NO. 04-10274-PBS
	)	
TONY DIAZ	)	
_____	)	

DEFENDANT'S MOTION TO HAVE  
APPELLATE COUNSEL APPOINTED  
AND TRIAL COUNSEL WITHDRAW

The defendant, Tony Diaz, hereby moves that this Court allow his trial counsel, Attorney Andrew M. D'Angelo, to withdraw. Additionally, the defendant moves that this Court appoint him appellate counsel. In support of this motion, the defendant states that trial counsel was appointed. The defendant believes that it is in his best interests to have another attorney pursue his appeal.

WHEREFORE, the defendant's motion should be allowed.

Tony Diaz  
By His Attorney

/s/Andrew D'Angelo

Andrew M. D'Angelo  
B.B.O. # 564200  
CARNEY & BASSIL  
20 Park Plaza, Ste. 1405  
Boston, MA 02116  
617-338-5566

Date: May 31, 2006

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TONY DIAZ	)	
_____	)	

AFFIDAVIT OF COUNSEL

I, Andrew M. D'Angelo, hereby state that the following  
information is true to the best of my knowledge and belief:

1. I was appointed to represent the defendant by  
this Court.
2. After his sentencing hearing on May 30, 2006, I  
had discussions with the defendant regarding his appeal.
3. Both the defendant and I agree that it is in his  
best interests that another attorney pursue his appeal as  
the defendant believes that a claim for ineffective  
assistance of counsel may be necessary.

Signed under the pains and penalties of perjury.

/s/Andrew M. D'Angelo

Andrew M. D'Angelo

Date: May 31, 2006